

REMARKS

Claims 1-3, 5-17, 40-60, 62-65, 67-81 and 83-86 are pending in this application.

Applicants appreciate the indication that claims 1-3, 5-17, 40-60, 62-65, 67-71, 75-76, 80-81 and 83-86 are allowed.

By this Amendment, claims 72 and 75 are amended to recite additional features disclosed in the specification at, for example, Fig. 13A and 13B. No new matter is added. Reconsideration of the application is respectfully requested.

The Office Action rejects claims 72, 75 and 77-79 under 35 U.S.C. §103(a) over U.S. Patent No. 6,355,953 to Kirczenow in view of U.S. Patent No. 6,753,562 to Hsu; rejects claim 73 under 35 U.S.C. §103(a) over Kirczenow and Hsu in view of U.S. Patent Publication No. 2001/0031547 to Ohno; and rejects claims 74 and 76 under 35 U.S.C. §103(a) over Kirczenow and Hsu in view of U.S. Patent No. 5,654,566 to Johnson. These rejections are respectfully traversed.

Claim 72 is amended to recite additional features, as outlined above. For example, claim 72 now recites "wherein the ferromagnetic semiconductors in the source and the drain are directly contacted with side surfaces of the channel." Claim 75 is similarly amended.

In view of the above, claims 72 and 75 define that ferromagnetic semiconductors are directly contacted with side surfaces of a channel. In contrast, the ferromagnetic semiconductor 54 and 56 of Kirczenow are contacted with top surface of the channel 52 films 106 and 107 (see Fig. 5 of Kirczenow). Thus, Kirczenow fails to teach or suggest the structures of claims 72 and 75.

Hsu, Ohno and Johnson do not supply the subject matter lacking in Kirczenow. Thus, Kirczenow, Hsu, Ohno and Johnson, either individually or in combination, do not disclose or suggest the subject matter recited in claim 72, and similarly recited in claim 75. Accordingly,

withdrawal of the rejection of claims 72 and 75, and claims 73, 74 and 76-79 depending therefrom, under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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